

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

TYLER YOUNG,

CV-04-1818-HU

Plaintiff,

ORDER

v.

CITY OF PORTLAND, JEFFERY ELIAS,  
BRIAN OSSENKOP, STEVEN MIRAU,  
MATTHEW DELENIKOS, PETER HELZER,  
RICHARD DODGE, DOES 11-20 (USE OF  
FORCE TRAINERS), DOES 21-30 (PORTLAND  
POLICE BUREAU SUPERVISORS), DOES  
31-40 (ADDITIONAL UNKNOWN  
PORTLAND POLICE OFFICERS),

Defendants.

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HAGGERTY, Chief Judge:

In his Findings and Recommendation (Doc. #46) in this action, Magistrate Judge Hubel recommended that defendant Peter Helzer's Motion to Dismiss (Doc. #31) this action against him be granted. Objections to the Findings and Recommendation were due by June 27, 2005. No objections were filed.

The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Within ten days of being served with a copy of the Findings and Recommendation, any party may file written objections, and the court shall make a *de novo* determination of those portions of the Findings and Recommendation to which objections are made. *Id.* When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the magistrate. *Thomas v. Arn*, 474 U.S. 140, 149-151 (1985); *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974) ("If neither party contests the magistrate's proposed findings of fact, the court may assume their correctness and decide the motion on the applicable law.").

No clear error appears on the face of the record. Accordingly, the court adopts Magistrate Judge Hubel's Findings and Recommendation.

### **CONCLUSION**

The Magistrate Judge's Findings and Recommendation (Doc. #46) is ADOPTED in its entirety. Defendant Peter Helzer's Motion to Dismiss (Doc. #31) is GRANTED.

IT IS SO ORDERED.

Dated this 26\_\_\_\_ day of July, 2005.

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/s/Ancer L.Haggerty

ANCER L. HAGGERTY  
United States District Judge